

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

YASMIN VOGLEWEDE; S.C.M.,	§	
Individually and as Parent and Next Friend	§	
of T.M., A Minor Child; Z.M., A Minor	§	
Child; J.M., A Minor Child; and S.M., A	§	
Minor Child; NICHOLAS DEFOSSET;	§	
TERESA MAGUIRE; and	§	CIVIL ACTION
HEATHER ALBRIGHT,	§	
<i>Plaintiffs,</i>	§	NO. 5:23-CV-00108-FB-RBF
	§	
v.	§	
	§	
CITY OF SAN ANTONIO, TEXAS,	§	
<i>Defendant.</i>	§	

**DEFENDANT’S UNOPPOSED MOTION FOR CONTINUANCE  
OF INITIAL PRETRIAL CONFERENCE**

NOW COMES Defendant City of San Antonio (“Defendant” or the “City”), Defendant in the above-styled and numbered cause, and files this Motion for Continuance of Initial Pretrial Conference. In support thereof, Defendant respectfully shows the Court as follows:

1. Plaintiffs filed their Complaint on January 27, 2023 (Doc. No. 1), alleging claims under the Americans with Disabilities Act (“ADA”) arising out of Winter Storm Uri, a catastrophic storm that struck Texas in February of 2021.
2. After waiving service, Defendant filed its Answer to Plaintiffs’ Complaint on April 17, 2023. (Doc. No. 6). Defendant denies all of Plaintiffs’ claims.
3. On May 15, 2023, the Court set an Initial Pretrial Conference for June 2, 2023 (the “Pretrial Conference”). (Doc. No. 10).
4. Defendant’s lead counsel (Donna K. McElroy) is unavailable for the Pretrial Conference as set. Ms. McElroy is lead counsel for an on-going arbitration in Austin, Texas that is scheduled to resume on June 1, 2023 and continue through June 6, 2023.

5. Therefore, Defendant respectfully moves the Court for a brief continuance of the current Pretrial Conference from June 2, 2023 **until a date after June 6, 2023**, when lead counsel's arbitration hearing is anticipated to conclude.

6. Plaintiffs are unopposed to the requested brief continuance.

7. Defendant files this motion in the interest of justice and not for undue delay.

WHEREFORE, Defendant requests that this Motion be granted, that the Pretrial Conference be briefly continued, and for any and other relief, in equity or at law, to which they may be entitled.

Respectfully submitted,

By: /s/ Donna K. McElroy

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**ATTORNEYS FOR DEFENDANT  
CITY OF SAN ANTONIO**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on May 19, 2023, I conferred via email with Plaintiffs' counsel, Christopher McGreal, one of the attorneys for Plaintiffs, regarding this Motion and the relief sought herein. Plaintiffs' counsel indicated that Plaintiffs do not oppose this Motion.

By: /s/ Katherine A. Zampas

**Katherine A. (Katina) A. Zampas**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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By: /s/ Donna K. McElroy

**Donna K. McElroy**